

1 M. THERESA TOLENTINO MEEHAN – SBN 204112
meehant@gtlaw.com
2 JEREMY A. MEIER – SBN 139849
meierj@gtlaw.com
3 RAY A. SARDO – SBN 245421
sardor@gtlaw.com
4 GREENBERG TRAUIG, LLP
1201 K Street, Suite 1100
5 Sacramento, CA 95814-3938
Telephone: (916) 442-1111
6 Facsimile: (916) 448-1709

7 Attorneys for Plaintiff and Counter-Defendant
Medical Development International
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO
12

13 MEDICAL DEVELOPMENT
INTERNATIONAL, a Delaware corporation,

14 Plaintiff,

15 v.

16 THE CALIFORNIA DEPARTMENT OF
17 CORRECTIONS AND REHABILITATION;
J. CLARK KELSO, in his capacity as receiver;
18 and DOES 1 – 20, inclusive,

19 Defendants.

20 J. CLARK KELSO, in his capacity as receiver,

21 Counter-claimant,

22 v.

23 MEDICAL DEVELOPMENT
24 INTERNATIONAL, a Delaware corporation,

25 Counter-defendant.
26
27
28

CASE NO. 3:10-cv-00443-TEH

STIPULATION FOR ORDER AND
[PROPOSED] ORDER CONTINUING
CASE MANAGEMENT CONFERENCE
SCHEDULED FOR JUNE 6, 2011 UNTIL
A DATE AFTER AUGUST 15, 2011

Pursuant to Civil L.R. 7-12 and 16-2(e) and Paragraph Four of this Court's Standing Order, the parties, by and through their counsel, Greenberg Traurig for Plaintiff and Counter-defendant Medical Development International ("MDI"); Futterman Dupree Dodd Croley Maier LLP for Defendant and Counter-claimant J. Clark Kelso, in his capacity as the Receiver, ("Receiver"); and the California Office of the Attorney General for Defendant California Department of Corrections and Rehabilitation ("CDCR"), stipulate for an Order continuing the case management conference, currently set for June 6, 2011 to a date as convenient for the Court after August 15, 2011. This stipulation is based on the following facts:

1. The parties conducted an initial mediation session on February 14, 2011, and, since that time, the parties have continued their negotiations through the mediator.

2. CDCR has been working to present a further settlement offer to and has indicated it will be in a position to do so in the coming days. The parties have agreed to continue to work through the private mediator in an effort to try to resolve this matter in the next approximately 60-90 days.

3. The Court issued an Order on March 31, 2011, setting the case management conference in this case for June 6, 2011. Pursuant to that Order, the parties are presently required to file a joint case management statement on or before May 27, 2011.

4. On May 3, 2011, Greenberg Traurig, LLP substituted in as counsel for MDI.

5. The parties are seeking to continue the June 6, 2011 CMC as follows:

- a. Further mediation activities and settlement discussions, as anticipated by the parties, are expected to affect case management, scheduling and related issues;
- b. For reasons of judicial economy, so the court is not forced to spend valuable time addressing unnecessary case management issues;
- c. So that the Court and the parties are not forced to incur potentially unnecessary costs associated with conferring on a case management schedule, preparing case management statements, and appearing at related hearings; and
- d. To allow sufficient time for MDI's new counsel to fully evaluate the case and issues that might affect case management.

1 **IT IS SO STIPULATED.**

2
3 Dated: May 16, 2011

GREENBERG TRAURIG, LLP

4
5 By: /s/Jeremy A. Meier
6 M. Theresa Tolentino Meehan
7 Jeremy A. Meier
8 Ray A. Sardo
9 Attorneys for Plaintiff and
10 Counter-defendant
11 Medical Development International

12
13 Dated: May 16, 2011

FUTTERMAN DUPREE DODD
CROLEY MAIER LLP

14 By: /s/Martin Dodd
15 Jaime L. Dupree
16 Martin Dodd
17 Attorneys for Defendant and Counter-
18 claimant
19 J. Clark Kelso, in his capacity as
20 Receiver

21
22 Dated: May 16, 2011

KAMALA A. HARRIS
Attorney General Of California

23 By: /s/Michelle M. Mitchell
24 Michelle M. Mitchell
25 Deputy Attorney General
26 Attorneys for Defendant
27 California Department of Corrections
28 and Rehabilitation

[PROPOSED] ORDER

Based on the foregoing stipulation of the parties, it is hereby ORDERED that the case management conference currently set for June 6, 2011, be and hereby is continued to August 22, 2011, at 1:30 PM. The parties shall file a joint case management conference statement on or before August 15, 2011.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 05/16/2011

